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| **BROWARD COUNTY****Water and Wastewater Services****Industrial Pretreatment Program****Enforcement Response Plan****Effective Date:2011****Last Update: May 5, 2011****Printing Date May 2011** |

**ENFORCEMENT RESPONSE PLAN**

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| **EXECUTIVE SUMMARY** |

This plan has been developed in accordance with; 40 CFR 403.8(f)(5); Florida Administrative Code(F.A.C.) 62-625.500(2)(d); and Broward County Sewer Use Ordinance (BCSUO) Chapter 34, Article VI - Wastewater Discharge Standards.

Enforcement is an integral part of the wastewater facility’s (WWF)’s pretreatment program (PTP). In the 1986 Pretreatment Compliance Enforcement Guidance, the EPA encouraged each WWF to develop an enforcement response guide, which is a set of procedures describing how the WWF will investigate industrial users and waste haulers, (hereafter referred to as users), in violation, and which enforcement actions the WWF may take to respond to such violations. On November 23, 1988, the EPA proposed to require all WWFs with approved pretreatment programs to develop and implement an Enforcement Response Plan (ERP), and the Domestic Sludge Study (DSS) Regulations finalized the proposed rule in 40 CFR 403.8(f)(5).

This enforcement response plan (ERP) shall be utilized in conjunction with the BCSUO. The purpose of the UES ERP is twofold. First, to ensure users compliance with pretreatment regulations. Second, to make certain that if and when it is necessary for the UES to enforce pretreatment standards and permit requirements, all users are treated fairly and equitably.

Key elements for an ERP:

* Description of how the WWF will investigate instances of noncompliance.
* Description of the types of escalating enforcement response the WWF will take in response to all anticipated types of user violations and the time periods within which the responses will take place.
* Identification by title of key personnel and their responsibility for implementing each type of enforcement response.
* WWF PTP’s primary responsibility to enforce all applicable pretreatment requirements and standards as provided in 40 CFR part 403 and F.A.C. 62-625.

 In general the criteria used to evaluate pretreatment violations by users will be the following:

* Nature of the violation;
* Magnitude of violation;
* Number of violations cited;
* Duration of violation;
* Effect on the receiving water;
* Effect of violation on WWF, personnel and Broward County residents;
* Compliance history of the users;
* Good faith efforts by the users.

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|  **SECTION 1 - METHODS TO INVESTIGATE NONCOMPLIANCE** |

To investigate the compliance status of users, UES may utilize the following methods:

**1.1 Field Inspections** - Field inspectors (I) shall inspect each users not less than once a year to evaluate compliance. During the facility’s site inspection, the inspector shall gather data necessary for the evaluation of users compliance. This data includes facility observations, employee statements, analytical documents, physical evidences, and other information that may lead to enforcement action, resulting from noncompliance.

**1.2 Regulatory Sampling** - The regulatory sampling shall be carried out by trained section personnel, collecting representative samples of the users discharge to the Broward County's Sewer System (BCSS), preparing and delivering them to a certified laboratory for analysis according to Florida Department of Environmental Protection (FDEP) regulatory requirements.

**1.3 Document Review** - The UES staff shall review and analyze users documents, which are required by the users industrial wastewater discharge permit (permit), to determine compliance status, such as, self-monitoring documents (SMD), NOV responses, compliance schedule milestones, baseline monitoring reports, and any other information pertaining to the permitted facility.

**1.4 Meetings** - Formal and informal meetings with users are utilized to obtain and share information related to any aspect of the industrial wastewater discharge permit, hereafter called "permit, requirements and may be used to investigate compliance status and technical issues, such as, users classification, additional sampling procedures or location, pretreatment requirements, laboratory analyses, and/or other requirements to ensure compliance.

**1.5 Increased Monitoring** - Increased self-monitoring and/or regulatory sampling may be required to monitor compliance status.

**1.6 Interaction with other Agencies** - Florida Department of Environmental Protection, FDEP, Environmental Protection and Growth Management Division (EPGMD), Broward County-County Attorney Office (BC-CAO), Environmental Protection Agency - Criminal Investigation Division (EPA-CID), Federal Bureau of Investigation (FBI) are agencies utilized to further investigate user’s compliance status.

**1.7 Search for Nonpermitted Users** - All users, connected with the BCSS and discharging industrial wastewater, may require a Permit. The UES staff shall search for unpermitted users by following the annually, updated "Enforcement Strategic Plan.”

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| **SECTION 2 - PERSONNEL FOR ENFORCEMENT** |

**2.1 Field Personnel** - Field personnel are the first line of enforcers for pretreatment standards and requirements. If a user denies entry to the inspectors or withdraws this consent during an inspection, the compliance and monitoring IPP Coordinator shall be contacted for access to the site. Documented telephone calls to users regarding compliance may be made by the inspector(s), as indicated in section 5, enforcement response guide. Inspectors under the BCWWS pretreatment program may include engineers, environmental compliance officers, natural resource specialists, or any other certified personnel.

**2.2 Enforcement Coordinator** - The duties of the enforcement coordinator include the preparation of enforcement action cases against noncomplying users. The actions taken by the enforcement coordinator include:

* Issue Warning Notice.
* Request of NOV.
* Request for Cost Recovery.
* Request for Fee.

The enforcement coordinator has a major role in the enforcement responses initiated by the UES in order to achieve and maintain users in compliance.

**2.3 IPP Coordinator - UES**- the IPP Coordinator, as designated by the director, has the full responsibility for the following enforcement actions taken against noncomplying users. These responsibilities include:

* + Fees Approval.
	+ Issue NOV.
	+ Cease and Desist Orders Request.
	+ Emergency Suspensions Request.
	+ Petition for Civil Penalties Request.
	+ Performance Bond Determination Request.
	+ Water Supply Severance Request.

**2.4 Director - BCWWS** - The director approves the following enforcement actions, which are severe in nature:

* Cease and Desist Order.
* Termination of Discharge.
* Performance Bond.
* Water Supply Severance.

Section 2 - Personnel for Enforcement (Cont’d.)

The director requests the following enforcement actions, which are severe in nature:

* + Injunctive relief.
	+ Civil penalties.
	+ Criminal prosecution.

The director also acts as the arbitrator for initial appeals by the users regarding enforcement actions and fees.

**2.5 Legal Counsel - County Attorney’s Office** - Legal counsel for the UES has a significant role to perform when it comes to formal enforcement actions against users who are in SNC. When enforcement actions, such as obtaining search warrants to inspect users’ facilities, civil and/or criminal suits need to be filed, the legal counsel for the control authority charts out the strategy, gathers evidence, petitions the courts and argues the case for the control authority.

**2.6 Broward Sheriff’s Office and Local Police** - If the UES field personnel (inspectors) are denied access to a facility, which prevents investigation of potential environmental crimes, the inspector shall notify the IPP Coordinator, UES. The UES IPP Coordinator may request a search warrant in accordance with Chapter 34, Article VI, and Section 34-149 (b). The search warrant shall be served at reasonable hours by the control authority personnel in the company of a uniformed police officer of Broward County or the local municipality. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

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| **SECTION 3 -ENFORCEMENT TOOLS, TRACKING, AND FOLLOW-UP**  |

This section describes available enforcement actions utilized by the BCWWS pretreatment program. The enforcement philosophy is escalating, that is, violations are addressed at the lowest level with the least formality and proceed to more formal levels with increasing actions and fees until compliance is achieved. However, it should be noted that the enforcement action is not contingent upon any sequence of prior enforcement actions and depending upon the scenario, any level of enforcement tools may be used for the initial action. Below is the list of available enforcement tools used by the BCWWS pretreatment program.

**3.1 Telephone Call** - A telephone call is an informal but very effective enforcement action. Depending on the circumstance, the inspector or enforcement coordinator may take this action. Many users will consider the action seriously and try to comply immediately or at least as soon as practicable. If a user continues to be in noncompliance, the enforcement action must be escalated.

**3.2 Warning Letter with Application** - The warning letter may be utilized by staff as an informal tool, which documents that the users representative is aware and knowledgeable of requirements to achieve compliance. This document, which is hand delivered by staff, identifies the nature of noncompliance, time frames to comply, and requires signatures by the inspector and the users’ representative.

**3.3 Warning Notice (WN)** - The WN enforcement action is taken by the enforcement coordinator for violations of conventional parameters Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS) and Oil & Grease (O&G), to enroll the users in the High Strength Surcharge Program to avoid the cost of pretreatment equipment.

**3.4 Compliance Meeting** - The compliance meeting is an informal tool for informing the users of their SNC status which results in a corrective action agreement to achieve compliance in ninety (90) days or other enforcement action as necessary.

**ADMINISTRATIVE ENFORCEMENT**

**3.5 Notice of Violation (NOV) [Sec 34-152(a)]** - Whenever a user has violated the BCSUO, permit, any provision of 40 CFR Part 403 or 62-625 F.A.C., a notice of violation (NOV) may be requested by the enforcement coordinator.

The NOV clearly states the noncompliance and requires the user, within ten (10) working days of the receipt date of this notice, to respond in writing to the violation. A written plan for the satisfactory correction and prevention thereof, including specific actions proposed to be taken may be required.

Section 3 - Enforcement Tools - Administrative Enforcement (Cont’d)

**3.6 Consent Order [Sec 34-152 (b)]**

The Control Authority may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

**3.7 Show Cause Hearing [Sec 34-152 (c)]**

The Control Authority may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Control Authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least [seven) (7)] days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 34-138(c) and required by Section 34-142(a) A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

**3.8 Compliance Orders [Sec 34-152 (d)]**

When the Control Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Control Authority may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

**3.9 Cease and Desist Order [Sec 34-152 (e)]** - When a user is found violating the BCSUO, permit, any order issued hereunder, or any other pretreatment standard or requirement, the user may be issued an order to cease and desist all such violations.

This directs the user to:

1. Immediately comply with all requirements; and

2. Take such appropriate remedial or preventive action as may be necessary to properly address a continuing or threatened violation, including halting operation and/or terminating discharge.

**3.10 Administrative Fees and Penalties [Sec 34-152(f)]** - Administrative fees and penalties are informal enforcement actions effectively used by C&M before taking formal enforcement action, such as, termination of service. Any users found to have violated any provision of the BCSUO permit, any order used hereunder, or any other pretreatment standard or requirement, may be penalized. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Assessments may be added to the users’ next scheduled sewer service bill.

**3.11 Emergency Suspension** **[Sec 34-152(g)]** - The director may suspend a users permit after formal notice to the user whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to be an imminent or substantial endangerment to the health or welfare of persons. Any users notified of a suspension of their permit shall immediately stop or eliminate the wastewater discharge. If the user fails to immediately comply with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the WWF, its receiving stream, or endangerment to any person. The director may reinstate the permit when the user has demonstrated to the director the elimination of the noncomplying discharge

**3.12 Termination of Discharge [Sec 34-152(h)]** - A user shall be subject to termination of discharge for the following actions or inactions:

* Violation of permit conditions.
* Failure to accurately report the wastewater constituents and characteristics of its discharge.
* Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
* Refusal of access to the users’ premises for the purpose of inspection, monitoring, or sampling.
* Violation of the pretreatment standards in Section 34-139 of the BCSUO.

Such users shall be notified of the proposed termination of their discharge.

Section 3 - Enforcement Tools - Administrative Enforcement (Cont’d)

**3.13 Judicial Enforcement [Sec 34-153]** - Any person discharging wastewater, industrial wastes, or any other wastes into the wastewater disposal system in violation of the provisions of the BCSUO or any order or permit issued hereunder after being ordered to discontinue such discharge as provided in Section 34-139, the director, through the county attorney, may commence an action in the name of the county for appropriate legal or equitable relief in the Circuit Court for Broward County.

**a. Injunctive Relief [Sec 34-153(a)] -** The director, through the BC-county attorney’ s office, may commence an action in the name of the county for injunctive relief, which restrains or compels thespecific performance of the provisions of the BCSUO.

**b. Civil Penalties [Sec 34-153(b)] -** Any user who has violated or continues to violate the BCSUO, any order or permit issued hereunder, or any other pretreatment standard or requirement shall be liable to the county to the maximum civil penalty permitted, plus actual damages incurred by the control authority per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the director may recover court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the control authority. The county, through the director and county attorney, shall petition the court to impose, assess, and recover such sums. In determining the amount of liability, the county shall request that the court take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the users violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

**c. Criminal Prosecution [Sec 34-153(c)]** - Any user who willfully or negligently violates any provision of the BCSUO, permit, or order issued hereunder, or any other pretreatment requirement shall, upon conviction, be punished by the maximum civil penalty permitted under state law per violation per day or imprisonment or both. Any user who knowingly makes false statements, representations, or certifications in any application, record report, plan or other documentationfiled, or required to be maintained, pursuant to the BCSUO, permit, or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under the BCSUO, shall, upon conviction, be punished by the maximum civil penalty permitted under state law per violation per day or imprisonment or both.

**3.14 Supplemental Enforcement [Sec 34-154]**

**a. Performance Bond [Sec 34-154(a)]** - The director may decline to reissue a permit to any user that has failed to comply with the provisions of the BCSUO, permit, or order issued hereunder, unless such user first files a performance bond, payable to the control authority.

**b. Water Supply Severance [Sec 34-154(b)]** - Whenever a user has violated or continues to violate the provisions of the BCSUO, permit, or order issued hereunder, water service to the user may be severed and service will only recommence at the users expense, after the user has satisfactorily demonstrated its ability to comply. The control authority shall not be responsible for any damages incurred by a user caused by, or related to, the water supply being severed.

**c. Search Warrants [Sec 34-149(b)]** - If the control authority personnel have been refused access to a building, structure or property or any part thereof, and if the control authority personnel have demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program of the control authority designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the county attorney may appear before any magistrate empowered to issue warrants in criminal cases and provide an affidavit and apply for the issuance of a warrant in the manner provided by law.

Section 3 - Enforcement Tools - Administrative Enforcement (Cont’d)

**3.15 Significant Noncompliance [Sec 34-150 or F.A.C. 62-625.500(2) (b) 8, F.A.C.**

a. Annual public notification of users in SNC in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by Broward County.

b. Significant noncompliance is if the users’ noncompliance meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which

 sixty‑six percent (66%) or more of all the measurements taken for the same pollutant

 parameter taken during a six‑ (6‑) month period exceed (by any magnitude) a numeric

 Pretreatment Standard, or Requirement, including Instantaneous Limits.

2. Technical Review Criteria (TRC) violations, defined here as those in which thirty‑three

 percent (33%) or more of wastewater measurements taken for each pollutant parameter

 during a six‑ (6‑) month period equals or exceeds the product of the numeric

 Pretreatment Standard or Requirement including Instantaneous Limits,

 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease,

 and 1.2 for all other pollutants except pH);

3. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2

 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that

 The control authority determines has caused, alone or in combination with other

 discharges, Interference or Pass Through, including endangering the health of POTW

 personnel or the general public;

4. Any discharge of a pollutant that has caused imminent endangerment to the public or

 to the environment, or has resulted in [the Superintendent’s] exercise of its emergency

 authority to halt or prevent such a discharge;

5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule

 milestone contained in an individual wastewater discharge permit or enforcement

 order for starting construction, completing construction, or attaining final compliance;

6. Failure to provide within forty-five (45) days after the due date, any required reports,

 including baseline monitoring reports, reports on compliance with categorical

 Pretreatment Standard deadlines, periodic self monitoring reports, and reports on

 compliance with compliance schedules;

7. Failure to accurately report noncompliance; or

 8. Any other violation(s), which may include a violation of Best Management Practices.

 which the control authority determines will adversely affect the operation or

 implementation of the local pretreatment program.

Section 3 - Enforcement Tools - Administrative Enforcement (Cont’d)

**3.16 Method of Tracking** - Enforcement actions are maintained in computer programs. The date of the initial enforcement action begins the tracking of the users noncompliance. When compliance is achieved, this provides closure of the enforcement case.

After violation detection, requests for enforcement actions are prepared with appropriate documentation; an enforcement action is taken within 30 days. The enforcement action is then entered in the data base and monitored by due date.

**3.17 Follow-Up Procedures** - Failure to achieve compliance invokes the next level of enforcement. Generally, escalating enforcement proceeds as follows:

a. Telephone logs, inspection reports, and/or other enforcement tools containing required actions having completion dates will be verified ten (10) days after their due date. Failure of the users to achieve compliance will require a request for escalated enforcement actions.

b. **Warning Notice** (WN) enrolls the users in the high strength surcharge program for violations of conventional parameters (Biochemical Oxygen Demand, Chemical Oxygen Demand, Total Suspended Solids and Oil & Grease) to avoid a NOV and fees.

c. An issued **NOV** requires a user’s response within ten (10) working days.The NOV shall be considered closed on the date when compliance is achieved.

d. If compliance isn't achieved by the user utilizing the above tools, then the UES IPP Coordinator may request: **Cease and Desist Orders**, **Termination of Service, Water Supply Severance**, or any **Judicial Enforcement** as provided by the BCSUO.

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| **SECTION 4 - TIME FRAMES FOR RESPONSES** |

**4.1 Flexibility for UES's Enforcement Time Frames** - According to the EPA, one of the foundations of effective enforcement is the timely response upon discovery of a violation. Therefore, time frames are an important aspect of the UES's ERP. However, the EPA does not specify time frames for various enforcement actions by WWF's pretreatment programs. The actual time frames to be incorporated into the ERP are left to the discretion of each WWF. By leaving this decision to the WWF's, the EPA and FDEP recognize the need for local flexibility in determining appropriate responses.

**4.2 Identification and Documentation -** The UES shall identify and document all noncompliance events as soon as practical. Once the violation is detected, the initial enforcement action shall be issued within 30 days. The following internal procedures will support the 30-day time frame.

A request for enforcement action form (REA) (Attachment #1) shall be completed within five (5) working days of receipt of self-monitoring documents (SMDs), UES sampling results, inspection reports or other documented violation. This REA shall include support documentation, i.e., copy of users permit, report of analytical results, chain of custody, industrial self-monitoring report, corporate officers' list, inspection report, inspection site photos, or any other document to support the enforcement case file.

The UES staff is responsible for preparation of the REA and case documentation. Once prepared, these case documents shall be submitted to the UES "Enforcement Unit" for review and preparation of a draft enforcement action document. This draft shall be reviewed and approved within five (5) days of receipt by the enforcement coordinator.

The initiator of the REA shall review and approve the document by initialing the REA, and then shall return the case document to the enforcement coordinator for submittal to the UES IPP Coordinator.

Within five (5) days of receipt of an approved draft NOV, the IPP Coordinator shall review, approve and sign the document (or return the case documents to the enforcement coordinator). These case documents are then submitted for certified mailing.

**4.3 Initial Enforcement Action Response** - The users in violation shall respond in writing, within ten (10) working days of the receipt date of this notice, providing a written plan for the satisfactory correction and prevention thereof, including specific actions to be taken.

**4.4 Follow-Up Actions** - Within thirty (30) days of receipt of the initial enforcement action response by the users, the UES shall initiate follow-up action. This follow-up action may include penalty determination, escalated enforcement action, or case closure.

Section 4 - Time Frames for Responses (Cont’d)

**4.5 Emergency Enforcement Actions** - Violations which threaten health, property and/or environmental quality, are considered emergencies and shall receive immediate responses, such as, halting the discharge or termination of service. The BCSUO has provisions for termination of both sewer and water services, if the situation warrants such drastic enforcement actions to be taken.

**4.6 Enforcement Actions for SNC** - All permitted users will be evaluated for SNC at the end of each quarter for the previous six (6) month period.

SNC time frame will be as follows:

a. The violations of all users will be evaluated at least once each quarter to determine the facility’s compliance status.

b. The users found in SNC will be issued a notification of SNC status (NOSNC).

c. Within ten (10) days of receipt of the NOSNC, the users shall contact the compliance and monitoring section to schedule a compliance meeting within the next thirty (30) days.

d. The users will be given a ninety (90) day period to achieve compliance.

e. Failure to achieve compliance in the above item “d” will place the user in a ninety (90) day enforceable compliance schedule.

f. All users determined to be in SNC for any period of the reporting year will be published in a daily newspaper in Broward County.

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| **SECTION 5 - ENFORCEMENT RESPONSE GUIDE** |

**5.1 Instructions for using the Enforcement Response Guide (ERG)**

a. Locate the type of noncompliance in the first column.

b. In column two, identify the most accurate description of the severity of the violation.

c. Assess the appropriateness of the recommended response(s) in column three. Document the rationale for selecting the particular enforcement response.

d. Apply the enforcement response to the users. Specify corrective action and the response required from the users.

e. Follow up with escalating enforcement action if the users response is not received received late or if the violation continues.

**ENFORCEMENT RESPONSE GUIDE**

 **PERSONNEL CODES I = Field Personnel EC = Enforcement Coordinator**

 **M = IPP Coordinator, C & M D = Director, BCWWS A = Broward County Attorney**

***5.2 PERMIT ADMINISTRATION***

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| ***NONCOMPLIANCE*** | ***S.U.O. REFERENCE*** | ***NATURE OF VIOLATION*** | ***ENFORCEMENT ACTION*** | ***PERSON*** |
| A. Discharging without a permit  **New source** | [34-142 (a)(2)& (4)][34-144(1)& (2)] | 1. Unaware of permit requirements. | 1. Telephone Call Warning Letter with Permit Application | 1. I |
|  | [34-146(a)] | 2. Failure to submit Baseline Monitoring Report (Categorical users). | 2. NOV w/Fee (Figure 1) | 2. EC |
|  | [34-142(a)(5)][34-144(1)& (2)] | 3. Failure to submit permit application. | 3. NOV w/Fee (Figure 1) | 3.EC |
|  | [34-142(a)(1)] | 4. Failure to submit wastewater survey.  | 4. NOV w/Fee (Figure 1) | 4.EC |
|  | [34-142(a) (5) a.-n.] | 5. Failure to submit Temporary Operating Permit (TOP) requirements.   | 5. NOV w/Fee (Figure 1) | 5. EC M  D A  |
| Discharging without a permit  **Existing connection** | [34-142(a)(2) & (3)] | 6. Continued failure after notified.  | 6. NOSNC w/$500 Fee Compliance Meeting Cease and Desist Order Termination of Service Civil Penalties | 6. EC M  D D A  |
|  |  | 7. Harm to the WWF and/or the  Environment \* No harm to the WWF and/or the environment.  | 7. NOSNC w/$10,000 Fee Cease and Desist Order Termination of Service Performance Bond Water Supply Severance Civil Penalties Criminal Prosecution | 7. EC D D D D A A |
|  |  | ***Severity of violations 5 and 6 will place the users in SNC; besides the penalty imposed, the users will be publicized in a local newspaper and may be assessed escalating enforcement*** |  |  |

***PERMIT ADMINISTRATION cont’d***

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| ***NONCOMPLIANCE*** | ***S.U.O. REFERENCE*** | ***NATURE OF VIOLATION*** | ***ENFORCEMENT ACTION*** | ***PERSON*** |
| B. Discharging without renewing permit | [34-143(7)][34-145(7)] | 1. Application not received 30 days  before the permit expiration date. | 1.Telephone Call  Warning Letter w/Permit  Application NOV w/Fee  (Figure 1)   | 1. I I EC |
|  | [34-150(6)] | 2. Failure to respond within  30 days after the expiration date. | 2. NOSNC w/$500 Fee Compliance Meeting Cease and Desist Order  Termination of Services  Performance Bond Water Supply Severance  Civil Penalties  Criminal Prosecution   | 2.EC M D D D D A A |
|  |  | ***Severity of violations 3 will place the users in SNC; besides the penalty imposed, the users will be publicized in a local newspaper and may be assessed escalating enforcement*** |  |  |
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 ***5.3 MONITORING VIOLATIONS***

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| ***NONCOMPLIANCE*** | ***S.U.O. REFERENCE*** | ***NATURE OF VIOLATION*** | ***ENFORCEMENT ACTION*** | ***PERSON*** |
| A. Failure to provide  pretreatment | [34-140(a) & (b)][34-143(1)(b)(5) | 1. Pretreatment equipment not working properly | 1. NOV w/Fee (Figure 1) | 1. EC |
|  | [34-148] | 2. Failure to install  monitoring equipment. | 2. NOV w/Fee (Figure 1 | 2. EC |
|  | [34-150 (5)] | 3. Pretreatment equipment  not installed. | 3.NOSNC w/$500 Fee Compliance Meeting Cease and Desist Order Termination of Service Civil Penalties | 3. EC M D D A |
|  |  | ***Severity of violations will place the users in SNC; besides the penalty imposed, the users will be publicized in a local newspaper and may be assessed escalating enforcement*** |  |  |
| B.Sample collection  violation | [34-146(e]) | 1. Failure to collect sample as  required by permit. | 1**.** NOV w/$100 Fee + cost  of analysis for each  parameter analyzed by  UES  | 1. EC |
|  | [34-146(e]) | 2. Failure to collect sample in accordance with permit  conditions  | 2. NOV w/$100 Fee and resample*.* | 2. EC |
|  | [34-146c] | 3. Failure to collect sample  at permitted sample point.  | 3. NOV w/ $500 Fee Compliance Meeting Cease and Desist Order | 3. EC M D |
|  |  | 4. Failure to collect sample as  required by CAA Agreement. | 4. NOV w/$500 Fee + cost of analysis for each  parameter  Cease and Desist Order Compliance Meeting  | 4. EC M D |
|  |  | 5. Failure to report samples  collected. | 5. NOV w/ $500 Fee Compliance Meeting Cease and Desist Order | 5. EC M D |
|  |  |  |  |  |
|  |  |  |  |  |

 ***5.3 MONITORING VIOLATIONS (cont’d)***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***NONCOMPLIANCE*** | ***S.U.O. REFERENCE*** | ***NATURE OF VIOLATION*** | ***ENFORCEMENT ACTION*** | ***PERSON*** |
| C. Permit limit  violation;  Daily local limits and Categorical limits (Non-conventional) | [34-139(b), (c), (d)] | 1. Any violation, no harm to the WWF and/or the environment. | 1.NOV w/Fee (Figure 2) | 1. EC |
|  | [34-150(3)(4) | 2 .Any violation resulting  In harm to the WWF and/or the environment, interference  and/or pass through.**Severity of violation 2 will place the users in SNC; besides the penalty imposed, the users will be publicized in a local newspaper and may be assessed escalating enforcement** | 2. NOSNC w/$10,000 Fee Cease and Desist Order Performance Bond Water Supply Severance Termination of Service Civil Penalties Criminal Prosecution | 2. EC D D D D A A  |
| D. Conventional  Pollutants | [34-157] | 1. Conventional pollutant violation | 1. WN - No Fee (Users enrolled in the High Strength Surcharge Program) | 1. EC |
|  | [34-157] | 2 .Failure to comply with the high strength surcharge program.  | 2. NOV w/Fee (Figure 2) Cease and Desist Order | 2. EC D  |
| E. Compliance schedule violation | [34-146(a)(11)] | Failure to meet a milestone date:1. Less than 30 days late from the due date, without  affecting the final milestone date. | 1. NOV w/Fee (Figure 1) | 1. EC |
|  | [34-150(6)] | 2. 30 days or more late from the due date affecting the final milestone date.  **Severity of violation 2 will place** **the users in SNC, besides the** **penalty imposed, the users will**  **be publicized in a local** **newspaper and may be assessed** **escalating enforcement**  | 2. NOSNC w/$500 Fee  Compliance Meeting  Cease and Desist Order Civil Penalties | 2. EC M D A  |
|  |  |  |  |  |
|  |  |  |  |  |

***5.3 MONITORING VIOLATIONS (cont’d)***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***NONCOMPLIANCE*** | ***S.U.O. REFERENCE*** | ***NATURE OF VIOLATION*** | ***ENFORCEMENT ACTION*** | ***PERSON*** |
| F. pH violation | [34-139(a)(3)] | 1. pH violations. | 1.NOV w/Fee (Table 1) | 1. EC |
|  | [34-139(a)(3)]<5.0[34-139(d)] >10+2 | 2. Any wastewater having a pH less than 5.0 or otherwise  causing corrosive damage or  hazard to structures, equipment, or endangering  personnel of the WWF. | 2. NOSNC w/$1,000 Fee Compliance Meeting Cease and Desist Order Performance Bond Water Supply Severance Civil Penalties Criminal Prosecution | 2. EC D D D A A D |
|  | [34-150] | 3. Any pH resulting in  harm to WWF personnel.**Severity of violation 1 or 2 and/or** **exceedence of daily permit limits will place the users in SNC, besides the penalty imposed, the users will be publicized in a local newspaper and may be assessed escalating enforcement** | 3. NOSNC w/$10,000 | 3. A |
| G. Hauled  Wastewater | [34-144 (1)], & [34-145][34-140 (e)(3)] | 1. Failure to comply with the waste  hauler discharge permit  requirements. | 1. NOV w/$100 Fee | 1.EC |
|  | [34-140(e)(1) - e)(5)][34-150 (7)] | 2. Failure to supply analytical results  for industrial waste. | 2. NOV w/$500 Fee Compliance Meeting  Cease and Desist Order Civil Penalties Criminal Prosecution | 2. EC M D A A A |
|  | [34-140(e)(1) -(e)(5)] | 3. Failure to request proper  approval of industrial waste  prior to attempting to dispose. | 3. NOV w/$500 Fee Compliance Meeting  Cease and Desist Order Civil Penalties Criminal Prosecution | 2. EC M D A A  |
| H. Dilution of Industrial  Wastewater Discharge  | [34-139(f)] [34-150(9)] | 1.-2. Industrial Wastewater  discharge is diluted in lieu of  pretreatment**Severity of violation will place the users in SNC; besides the penalty imposed, the users will be publicized in a local newspaper and may be assessed escalating enforcement** | 1.NOSNC w/ $500 Fee  Compliance Meeting  Cease and Desist Order Termination of Service Civil Penalties | 1. EC M D D A |
|  |  | 2. Imposition of mass  limitations  |  | 2.D |

***5.3 MONITORING VIOLATIONS (cont’d)***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***NONCOMPLIANCE*** | ***S.U.O. REFERENCE*** | ***NATURE OF VIOLATION*** | ***ENFORCEMENT ACTION*** | ***PERSON*** |
| I. Slug load/spill  occurrence, prohibited discharge or other not otherwise specified |  [34-139(a)(10)] | 1.No harm to the WWF and/or  environment. | 1. NOV w/$500 Fee Compliance Meeting  | 1.EC M |
|  |  [34-140(c)] | 2. Failure to notify CA of slug  load/spill.**Severity of violation 2 or 3 will place the users in SNC, besides the penalty imposed, the users will be publicized in a local newspaper and may be assessed escalating enforcement.** | 2. NOSNC w/$1,000 Fee Cease and Desist Order Termination of Service Civil Penalties | 2. EC D D A |
|  | [34-146(g)][34-139(a)(14)][34-150(3) &(4)] | 3.Harm to the WWF and/or the  Environment**Severity of violation 3 is considered a severe violation, which might place the WWF in SNC with the FDEP or cause severe damage to the system. The users may be assessed other fees and/or escalating enforcement** **if FDEP imposes same on WWF.** | 3. NOSNC w/$10,000 Fee Cease and Desist Order Termination of Service Performance Bond Water Supply Severance Civil Penalties Criminal Prosecution | 3. EC D D D D A A  |
| J. Failure to mitigate noncompliance or halt production | [34-140 (b)(1)][34-152(h)(2)] | 1. No harm to the WWF and/or the  environment. | 1. NOV w/$500 Fee Compliance Meeting  | **1. EC** **M** |
|  | [34-150 (9)]  | 2.Harm to the WWF and/or the  environment.**Severity of violation 2 will place**  **the users in SNC, besides the**  **penalty imposed, the users will**  **be publicized in a local**  **newspaper and may be assessed**  **escalating enforcement.** | 2. NOSNC w/$10,000 Fee Cease and Desist Order Termination of Service Performance Bond Water Supply Severance Civil Penalties Criminal Prosecution | 2. EC D D D D A A |
|  |  | **Severity of violation 2 is considered a severe violation, which might place the WWF in SNC with the FDEP or cause severe damage to the system. The users will be assessed a $10,000 Fee and/or escalating enforcement** |  |  |

***5.4 REPORTING VIOLATIONS***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***NONCOMPLIANCE*** | ***S.U.O. REFERENCE*** | ***NATURE OF VIOLATION*** | ***ENFORCEMENT ACTION*** | ***PERSON*** |
| A. Self-Monitoring  Reports or other Enforcement  Document response received late or not  received | [34-146(c), (e)] | 1. Documents are received less than 45 days late.  | 1. NOV w/Fee (Figure 1) | 1.EC |
|  | [34-152(a)] | 2. Documents are received  greater than 45 days late or  not received  | 2. NOSNC w/ $500 Fee Compliance Meeting Cease and Desist Order | 2. EC  M  D  |
|  | [34-150 (6)] | 3. Non- response to enforcement  action (NOV ,WN,CAA,NOSNC) | 3.-4 NOSNC w/$500 Fee Compliance Meeting Cease and Desist Order Termination of Service Civil Penalties | 3.-4 EC M D D A |
|  | [34-150 (6)] | 4. CAA document not received on  the agreed upon due date. |  |  |
|  |  | **Severity of violation 2 and 4 will place the users in SNC, besides the penalty imposed, the users will be publicized in a local newspaper may be assessed escalating enforcement** |  |  |
| B. Self Monitoring Reports are not Properly documented | [34-146(a),(c)] | 1. Failure to submit all the required documents with  Self Monitoring Report (SMR,  COC, report of analyses, etc.).  | 1. Telephone Call NOV w/$100 Fee | 1.I  EC  |
|  | [34-147(a) ] | 2. SMR documents incomplete (missing time, date ,type of  sample collection etc. | 2. NOV w/$100 Fee | 2. EC |
| C. Failure to report  Correctly  | [34-138(c)(3)][34-142(a)(6)] | 1. SMR not signed or certified  as required by permit.  | 1. Telephone Call  NOV w/$100 Fee | 1.EC |
|  | [34-146(c)][34-146(e)] | 2. Data improperly reported or not reported. | 2. Telephone Call  NOV w/$100 Fee | 1.EC |
|  | [34-146(c)][34-146(e)] | 3. Incorrect method of analysis used. | 3. Telephone Call  NOV w/$100 Fee | 1.EC |

***5.4 REPORTING VIOLATIONS cont’d***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***NONCOMPLIANCE*** | ***S.U.O. REFERENCE*** | ***NATURE OF VIOLATION*** | ***ENFORCEMENT ACTION*** | ***PERSON*** |
|  | [34-146(c),(e)] | 4. Failure to sample in  month required bypermit | 4. Telephone Call  NOV w/$100 Fee | 1.EC |
| D. Notification of Parameter violation | [34-146(i)] | 1. Failure to notify of  parameter violation  within 24 hours | 1. Telephone Call  NOV w/$100 Fee | 1.EC |
|  |  | 2. Failure to resample for violation  within 30 days of becoming  aware of the violation.**Severity of violation will place the users in SNC, besides the penalty imposed; the users will be publicized in a local newspaper and may be assessed escalating enforcement.** | 2. Telephone Call  NOV w/$100 Fee + cost of analysis for  each parameter. | 2. EC  A |
| E. Reporting false  information | [34-153(c)][34-150(9)] | 1. Reports falsified in lieu of compliance.**Severity of violation will place the users in SNC, besides the penalty imposed, the users will be publicized in a local newspaper and may be assessed escalating enforcement** | 1. NOSNC w/$1,000 Fee Compliance Meeting Cease and Desist Order Termination of Service Civil Penalties | 1.EC  M  D  D  A |
| F. Hauled wastewater Reporting violation | [34-145(1)(c)] | 1. Improper identification of waste on waste tracking form. | 1. Telephone Call  NOV w/$100 Fee | 1.EC |
|  | [34-140(e)(4)] | 2. Knowingly falsifying information on WTF. | 2. NOSNC w/$500 Fee Compliance Meeting Cease and Desist Order Termination of Service Civil Penalties | 2. EC  M  D  D  A |
|  | [34-153(c)][34-150(7)] [34-140(e)(7)] | 3. Failure to provide documentation of ultimate  disposal location of waste  rejected by CA. | 3-4.NOSNC w/$1,000 Fee Cease and Desist Order Termination of Service Performance Bond Water Supply Severance Civil Penalties Criminal Prosecution | 3.-4 EC D D D D A |

***5.5 FIELD VIOLATIONS***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| ***NONCOMPLIANCE*** | ***S.U.O. REFERENCE*** | ***NATURE OF VIOLATION*** | ***ENFORCEMENT ACTION*** | ***PERSON*** |
|  | [34-153(c)] | 4. Verified proof that information on WTF has  been omitted or falsified.**Severity of violation place** **The users in SNC, besides the** **penalty imposed, the users** **will be publicized in a local** **newspaper and may be** **assessed escalating** **enforcement.** |  |  |
| A. Facility inspection/ Vandalism | [34-147(a), (b)] | 1. Inadequate record keeping or  copies of records are denied  | 1. NOV w/$100 Fee | 1.EC |
|  |  [34-146(c)] | 2. Failure to report additional self  monitoring | 2. NOV w/$100 Fee | 2. EC |
|  | [34-146(h)] | 3. Failure to report changes in  discharge | 3. NOV w/$100 Fee | 3.EC |
|  |  [34-149(a)] [34-150 (9)] | 4. Sample Collection is denied | 4. NOSNC w/$500 Fee Compliance Meeting Cease and Desist Order Termination of Service Civil Penalties Criminal Prosecution | 4.EC  M  D  D  A  A |
|  | [34-149(a)][34-150(9)] | 5. Facility access is denied*.* | 5.-7 NOSNC w/$1000 Fee Compliance Meeting Cease and Desist Order Termination of Service Performance Bond Water Supply  Severance Civil Penalties Criminal Prosecution | 5.EC  D  D  D  D  D  A  A |
|  | [34-140(f)] | 6. Equipment used by UES personnel found damaged, tampered, etc., while monitoring the users. |  |  |
|  | [34-150(9)] | 7. Detection of an unauthorized bypass. |  |  |

***5.5 FIELD VIOLATIONS cont’d***

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  | **Recurring violations of 2 and 7 will place the users in SNC, besides the penalty imposed; the users will be publicized in a local newspaper and may be assessed escalating enforcement.** |  |  |

***ENFORCEMENT RESPONSE GUIDE***

***TABLE 1***

***FEES FOR pH VIOLATIONS***

|  |  |  |  |
| --- | --- | --- | --- |
| ***Penalty Level*** | ***Low pH Violation*** | ***High pH Violation*** | ***Applied Fee*** |
| ***A*** | ***4.1 < 5.0*** | **≥10.1-11 or 2.1-3 SU > Source H2O** | ***$100.00*** |
| ***B*** | ***3.1 < 4.0*** | **≥11.1-12 or 3.1-4 SU > Source H2O** | ***$200.00*** |
| ***C*** | ***2.1 < 3.0*** | **≥12.1-13 or 4.1-5 SU > Source H2O** | ***$300.00*** |
| ***D*** | ***< 2.0*** | **≥13.1 or >5 SU > Source H2O** | ***$500.00*** |

*Figure 1*

**ENFORCEMENT RESPONSE GUIDE**

**FINES FOR REPORTING VIOLATIONS**

 **Y = 12.5 (X) – 62.5**

***Where,***

***Y = Penalty in dollars***

***X = Number of days late***

***ENFORCEMENT RESPONSE GUIDE***

 ***FIGURE 2***

 ***FEES FOR PERMIT LIMIT VIOLATIONS***

*Fees for permit limit violations can be calculated by utilizing the following formula:*



*Where,*

*Y = Penalty in dollars,*

*X = Reported concentration level, expressed in same dimensions as Permit Limit’.*